



Entered on Docket
December 29, 2009

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR¹

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR²

Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING AMENDED FIRST
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED
UPON INVESTMENT IN THE RIO
RANCHO EXECUTIVE PLAZA LLC
LOAN**

Hearing Date: December 18, 2009

Hearing Time: 1:30 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Amended First Omnibus Objection of USACM
2 Trust to Proofs of Claim Based Upon Investment in the Rio Rancho Executive Plaza LLC
3 Loan ”, [Docket No. 7564] (the “Objection”); notice of the Objection having been given;
4 no response to the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

6 1. The Objection is sustained; and
7 2. The claims listed on **Exhibit A**, which are claims based upon a Direct
8 lender investment in the Rio Rancho Executive Plaza LLC Loan, are
9 disallowed in their entirety.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

13 By /s/ Marvin Ruth (#10979)
14 Rob Charles
14 John Hinderaker (*pro hac vice*)
14 Marvin Ruth
15 3993 Howard Hughes Parkway, Ste. 600
15 Las Vegas, Nevada 89169-5996
16 Telephone: (702) 949-8200
16 Facsimile: (702) 949-8398
17 *Attorneys for USACM Liquidating Trust*

18

19

21

23

24

26

1 In accordance with Local Rule 9021, the undersigned certifies:

2 The Court waived the requirements of LR 9021.

3 This is a Chapter 11 case. I have delivered a copy of this proposed order to all
4 counsel who appeared at the hearing, any unrepresented parties who appeared at
5 the hearing, and any trustee appointed in this case, and each has approved or
6 disapproved the order, or failed to respond, as indicated below (list each party
document):

7 U.S. Trustee: August Landis	
8 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
9 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
10 Other Party (no other parties appeared):	
11 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
12 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

13 #####

14 Submitted by:

15 **LEWIS AND ROCA LLP**

16 By: /s/ Marvin Ruth (#10979)

17 Rob Charles

18 John Hinderaker (*pro hac vice*)

19 Marvin Ruth

20 *Attorneys for USACM Liquidating Trust*

**EXHIBIT A TO FIRST OMNIBUS OBJECTION OF USACM TRUST
TO PROOFS OF CLAIM BASED UPON INVESTMENT IN THE
RIO RANCHO EXECUTIVE PLAZA, LLC LOAN**

Claim	Name	Address	Total Claim Amount
10725-00669	DOYLE FAMILY TRUST DTD 9/23/99	C/O PATRICK J & JILL M DOYLE TTEES 10770 OSAGE RD RENO NV 89506-8516	80,000.00
10725-01570	MOLITCH, MARILYN & MATTHEW	2251 N. RAMPART BLVD. #185 LAS VEGAS NV 89128 <u>New address:</u> 11262 CORSICA MIST AVENUE, LAS VEGAS, NV 89135	12,500.00
10725-00663	RONALD G GARDNER TRUST	C/O Jeffrey L Hartman ESQ 510 West Plumb Lane, Suite B, Reno, Nevada 89509	50,000.00
10725-01789	SPRING, DONALD W & EVELYN MAE	3153 CANYON OAKS TER CHICO CA 95928-3987	52,475.00
10725-01266	WAYNE DOTSON CO PETER BOGART CEO	PETER BOGART CEO 1445 CITY LINE AVE. WYNNEWOOD, PA 19096	56,500.00

Totals **251,475.00**